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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/092,823 | 03/08/2002 | Charles A. Miller | M 10219 | 8006 |
| 27321 | 7590 | 09/30/2004 | EXAMINER | |
| ALVIN S. BLUM 2350 DELMAR PLACE FORT LAUDERDALE, FL 33301 | | | CHAN, KO HUNG | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3632 | |

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|---------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/092,823 | MILLER ET AL. | |
| | Examiner | Art Unit | |
| | Korie H. Chan | 3632 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8,10,11,13-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) 1,2,4-7,10,11,14,15 and 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

Claim 13 is objected to because of the following informalities: Claim 13 in its current amended state appears to depend from claim 812. It appears applicant has forgotten to strike out the last two digits "12" such that they depend from claim 8.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 8 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant describes the leaf spring (16', figure 6 elected specie) as providing spring bias to resist rotation of the axle 2". However, figure 6 embodiment shows the free end of the spring 20 sliding at the point where force from the belt would tend to tilt the free end of the platform at 20 downward. It does not appear that the spring 20 would resist rotation of the axle 2" to the point of maintaining tension in the belt as is the objective of the invention for the reason that the spring biasing force applied to the upper platform that is suppose to work against the tilt of the platform slides or slips and would be unstable.

Claim Rejections - 35 USC § 103

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable Kimble (US patent no. 1,433,553) over Anderson et al (US patent no. 2,202,413). Kimble discloses a pivoting motor mount comprising a pivoting platform (13), a base (4), a pivotal connecting means (14) between the base and the platform for pivoting the platform about an axis parallel to the shaft of the motor (3) and spring means (17) to springably resist the pull of the belt on the motor to apply tension.

However, Kimble does not show the spring is a leaf spring interposed between the platform and the base away from the pivotal connecting means. Coil spring and leaf spring are well-known mechanical equivalents. Anderson teaches providing a leaf spring (16, figure 6) for tensioning between the motor casing (3) and the base (6) to thereby resist the pull of the belt of the motor (page 1, lines 47-48). It would have been obvious to one of ordinary skill in the art to have substitute the coil spring of Kimble with a leaf type spring as taught by Anderson between the platform and base of Kimble for providing a self-compensating tensioning means as taught by Anderson.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimble (US patent no. 1,433,553) in view of Anderson et al (US patent no. 2,202,413) as applied to claim 8 above, and further in view of Larsen et al (US Patent no. 2,360,428). Kimble and Anderson combined demonstrated all the claimed features of applicant's invention except for the biasing arrangement of having the leaf spring first end attached to the base and a second end slidably engaging the platform. It is old and well-known in a biasing arrangement between two rocking elements to have one end of the spring to

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slide while fixing the other end. Such arrangement is known to have the advantage of allowing for constant adjustment of the spring to the rocking motion. Larsen teaches such arrangement of biasing a platform by having a leaf spring (22) first end attached to the base (by 27) and a second end slidingly engaging the platform (28 and 29) for constant adjustment to the motion of the rocking by the platform. It would have been obvious to one of ordinary skill in the art to have modify the leaf spring arrangement of Kimble and Anderson combined such that the leaf spring first end attached to the base and a second end slidingly engaging the platform as taught by Larsen to facilitate constant adjustment to the rocking motion or vibration of the platform.

Response to Arguments

Applicant's arguments filed 7/19/2004 have been fully considered but they are not persuasive. Applicant argues that Anderson's spring 16 is a spring plate but not a leaf spring. Examiner disagrees. Leaf spring is basically a spring plate. Applicant argues that Anderson does not teach the spring plate for tensioning pivoted motor mount platforms. Examiner disagrees. Anderson clearly discloses that the spring plate 16 is for "exerting a constant self-compensating pull on the belt" (page 1, lines 47-48). Consequently Anderson's spring plate is used for providing tension to the vibrating or pivoting movement of the motor.


Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 703-305-8079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Korie H. Chan
Primary Examiner
Art Unit 3632

khc
September 21, 2004